

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING
amendment of ARM 10.55.602,)	ON PROPOSED AMENDMENT
10.55.701, 10.55.705, and 10.55.907)	
relating to accreditation standards)	

TO: All Concerned Persons

1. On March 5, 2007 at 8:00 a.m., a public hearing will be held in the conference room at the Office of the Commissioner of Higher Education, 46 North Last Chance Gulch, Helena, Montana, to consider the amendment of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on February 20, 2007, to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

10.55.602 DEFINITIONS For the purposes of this chapter, the following terms apply:

(1) remains the same.

(2) "Asynchronous" means not occurring at the same time. "Asynchronous" refers to content, instruction, and communication between participants (e.g., students and teachers) that occurs at different times, the period of which may vary by circumstance, (e.g., e-mail, threaded discussions, homework, message boards).

(2) through (6) remain the same but are renumbered (3) through (7).

(8) "Distance learning" means instruction in which students and teachers are separated by time and/or location with synchronous or asynchronous content, instruction, and communication between student and teacher (e.g., correspondence courses, online learning, videoconferencing, streaming video).

(7) through (12) remain the same but are renumbered (9) through (14).

(15) "Online learning" means education activity in which instruction and content are delivered primarily via the internet. Online learning is a form of distance learning.

(13) remains the same but is renumbered (16).

(17) "Synchronous" means occurring at the same time. "Synchronous" refers to content, instruction, and communication between participants (e.g., students and teachers) that occurs at the same time even though they may be in different physical locations. For example, instruction in which students and teachers are online at the

same time so that a question can be immediately answered (e.g., telephone calls, face-to-face meetings, physical classrooms, chat rooms, and videoconferencing).

(18) "Technology delivered learning" means instruction and content delivered via digital technologies (e.g., online, CD-ROM, DVD-ROM, or learning experiences that involve primarily the use of computers).

ARM: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.701 BOARD OF TRUSTEES (1) through (3)(n)(v) remain the same.

(vi) community resources be used to strengthen schools, families, and student learning; ~~and~~

(o) a policy that incorporates the distinct and unique cultural heritage of American Indians and that is aligned with district educational goals; and

(p) a policy addressing distance, online, and technology delivered learning as defined in ARM 10.55.602.

(4) through (7) remain the same.

(a) establish a system to keep parents/guardians up to date on students' progress; and

(b) and (8) remain the same.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.705 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF SCHOOL ADMINISTRATORS/PRINCIPALS (1) remains the same.

(a) for schools in third class elementary districts without a licensed administrator under contract, a part-time district superintendent or supervising teacher and county superintendent for schools with fewer than nine will be accepted in satisfaction of administrator requirements for up to eight full-time equivalent (FTE) licensed staff;

(b) for schools in districts with an assigned licensed administrator under contract, the following staffing requirements shall apply:

(i) .5 FTE principal for schools with 9-47 more than eight and less than 18 FTE licensed staff. A district may satisfy the FTE requirements of this subsection for a school under this circumstance by prorating the assignment of building administrators in other buildings of the district, so long as the number of licensed FTE staff for whom each administrator is responsible is not more than 29 and so long as the number of students for whom each administrator is responsible is not more than 550;

(c) through (g) remain the same but are renumbered (ii) through (vi).

(2) and (3) remain the same.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED

LEARNING (1) through (2)(a) remain the same.

(b) Distance, online, and technology delivered learning programs and/or courses shall meet the learner expectations adopted by the school district ~~or~~ and be aligned with state content and performance standards.

(c) A school district shall provide a report to the Superintendent of Public Instruction documenting how it is meeting the needs of students under the accreditation standards who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs.

(3) Except as provided in (3)(a), teachers of distance, online, and technology delivered learning programs shall be licensed and endorsed in Montana in the area of instruction ~~taught with such license granted as a result of the completion of a professional educator preparation program accredited by NCATE and/or a state board of education.~~ School districts receiving distance, online, and technology delivered learning programs described in this rule shall have a distance learning facilitator ~~as provided in this rule assigned for each course and available to the students.~~

(a) When a teacher of distance, online, and technology delivered learning programs and/or courses ~~is not licensed and endorsed as provided in this rule, does not possess the qualifications specified in (3), the facilitator must hold a Montana educator license~~ be licensed and endorsed in Montana in the area of instruction facilitated.

(b) When a teacher of distance, online, and technology delivered learning programs ~~is licensed and endorsed in the area of instruction,~~ qualified as provided in ~~this rule (3), the receiving school district's facilitator shall be a licensed teacher or a para-educator.~~

(c) School districts receiving distance, online, and technology delivered learning programs and/or courses must provide qualified facilitators for synchronous delivery to students in schools accredited by the Montana Board of Public Education, requiring physical presence of a facilitator, and for asynchronous delivery, requiring facilitators be available to students.

~~(e) (d)~~ The school district must ensure that the distance, online, and technology delivered learning facilitators, ~~whether licensed or not,~~ receives in-service training on technology delivered instruction pertaining to:

(i) through (4) remain the same.

(5) All Providers or coordinating entities of distance, online, and technology delivered learning programs, ~~other than Montana school districts,~~ shall annually, no later than October 1:

(a) and (b) remain the same.

(c) ~~verify document~~ the professional qualifications, including Montana teacher licensure and endorsement ~~if possessed,~~ of their teachers of distance, online, and technology delivered programs and/or courses;

(d) and (e) remain the same.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

4. The Board of Public Education has determined that it is reasonable and

necessary to amend the above rules to align the standard with current research and best practices on distance, online, and technology delivered learning.

5. Pursuant to the agreement between the Board of Public Education and the Legislature, the board does not anticipate any implementation costs, but shall request and report in its adoption notice any cost estimates received from districts during the hearing.

6. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on March 8, 2007.

7. Steve Meloy has been designated to preside over and conduct the hearing.

8. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding accreditation standards or other school related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@bpe.montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Patty Myers
Patty Myers, Chairperson
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State January 29, 2007.